IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| UN | ITED STATES OF AMERICA, |) | | | |
|----|--|--|--|--|--|
| | Plaintiff, |) 8:11MJ184) | | | |
| | vs. |)) DETENTION ORDER | | | |
| JU | JULIO RIVERA-URQUIDEZ, | | | | |
| | Defendant. |)) | | | |
| A. | A. Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on September 6, 2011, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i). | | | | |
| B. | Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. | | | | |
| C. | violation of 21 U.S.C. § 8 five years imprisonmen imprisonment; the distrib violation of 21 U.S.C. § 8 twenty years imprisonment (b) The offense is a crime of (c) The offense involves a na | nd includes the following: e offense charged: of methamphetamine (Count II and III) in 841(a)(1) carries a minimum sentence of and a maximum of forty years ution of methamphetamine (Count I) in 41(a)(1) carries a maximum sentence of ant. violence. | | | |
| | may affect wheth The defendant hat The defendant hat The defendant hat The defendant defendant defendant defendant defendant hat The defendant hat | of the defendant including: ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. loes not have any significant community the defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at | | | |

| | (b) | | of the current arrest, the defendant was on: |
|---|-----------------|--|--|
| | | | obation |
| Parole | | | |
| Release pending trial, sentence, appeal or completion of sentence. | | | |
| | (c) | | |
| | (0) | | e defendant is an illegal alien and is subject to |
| | | | portation. |
| | | | e defendant is a legal alien and will be subject to |
| | | | portation if convicted. |
| | | | e Bureau of Immigration and Custom Enforcement |
| | | | CE) has placed a detainer with the U.S. Marshal. |
| | | Otl | ner: |
| | | | |
| (4) | The | nature and | seriousness of the danger posed by the defendant's |
| release are as follows: The nature of the charges in the Indictment and the | | | |
| | | | Special Agent Orduna concerning the information from |
| | | | nformant of the defendant's extensive drug activities |
| | | | trips out of Nebraska including to Sinaloa, Mexico, a well |
| | KIIOW | ii source or i | arcotics and a haven for Mexican drug cartels. |
| (5) | Rehu | ttable Presi | ımntions |
| (0) | | | t the defendant should be detained, the Court also relied |
| | | | rebuttable presumption(s) contained in 18 U.S.C. § |
| | 3142 | (e) which the | Court finds the defendant has not rebutted: |
| Χ | | | ondition or combination of conditions will reasonably |
| | _ | | appearance of the defendant as required and the safety |
| | | of any other | person and the community because the Court finds that |
| | | the crime in | |
| | | | A crime of violence; or |
| | | (2) | An offense for which the maximum penalty is life |
| | | | imprisonment or death; or |
| | | <u>X</u> (3) | A controlled substance violation which has a maximum |
| | | (4) | penalty of 10 years or more; or |
| | | (4) | A felony after the defendant had been convicted of two |
| | | | or more prior offenses described in (1) through (3) |
| | | | above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above |
| | | | which is less than five years old and which was |
| | | | committed while the defendant was on pretrial release. |
| X | (h) | That no c | ondition or combination of conditions will reasonably |
| | (5) | | appearance of the defendant as required and the safety |
| | | | munity because the Court finds that there is probable |
| | | | |
| | | | That the defendant has committed a controlled |
| | | | substance violation which has a maximum penalty of |
| | | | 10 years or more. |
| | | (2) | That the defendant has committed an offense under 18 |
| | | | U.S.C. § 924(c) (uses or carries a firearm during and |
| | | | in relation to any crime of violence, including a crime of |
| | | | violence, which provides for an enhanced punishment |
| | | | if committed by the use of a deadly or dangerous |
| | | | weapon or device). |
| | (5) <u>X</u> | (4) The release testime the continuous known (5) Reburned on the 3142(_X (a) | (c) Other Factor The defact X The defact X The defact The Confidential in including frequent known source of results on the following 3142(e) which the X (a) That no confidential in determining that on the following 3142(e) which the X (a) That no confidential in including frequent known source of results of any other than the crime in the crime in (1) (2) X (3) (4) |

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: September 12, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge